Brit. Laws, statutes, etc. Compilations

A COLLECTION

Of certaine Statutes in force,

With full and ready notes in the Margent containing their effect in briefe.

Consisting of the subsequent Titles in the next Page.

Published

For the better caution of such as are inclinable to Delinquency against the severall effects of those STATUTES:

And also

For the better information of all such Officers and Ministers as are by late speciall Warrants authorized and commanded to put the same Statutes in execution.

For the better suppressing

1. Of unlawfull Pastimes and abuses on the Lords day.
2. Of prophane Swearing and Cursing.
3. Of the loathsome sin of Drunkennesse.
4. Of the severall offences committed by Inne-keepers, Alehouse keepers, and unlicensed Alehouse keepers.
5. Of Unlawfull Games.

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The Titles of the Statutes contained in this Collection, *viz.*

1. Car. 1. *There shall be no Assemblies for unlawfull Pastimes on the Lords day.*
3. Car. 1. *A restraint of divers Abuses committed on the Lords day.*
21. Jac. 20. *None shall prophanely sweare or curse.*
1. Jac. 9. *Severall penalties of Ale-house keepers for their severall offences.*
4. Jac. 5. *The penalty of a Drunkard, and of him that continueth drinking in an Ale-house.*
7. Jac. 10. *The penalty of an offence committed against any of the branches of the Statutes* 1. Jac. 9. *or* 4. Jac. 5. *touching Ale-house keepers and Drunkards.*
21. Jac. 7. *The Statutes* 1. Jac. 9. *and* 4. Jac. 5. *made perpetuall. One witnesse shall be sufficient to convince a man of Tipling, or Drunkennesse.*
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33. Hen. 8. cap. 9. *Artillery shall be maintained, and unlawfull Games debarred.*
1. Jac. 22. *No sale or shewing of Bootes, Shooes, &c. on the Sunday.*

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1. Car. 1.

There ſhall be no Aſſemblies for unlawfull Paſtimes on the Lords day.

THere ſhall be no meetings, Aſſemblies, or concourſe of people out of their owne Pariſhes on the Lords day, for any ſports and paſtimes whatſoever.

No meetings out of their owne Pariſhes on the Lords day for any ſports.

Nor any Beare-baiting, Bull-baiting, Enterludes, common Playes, or other unlawfull exerciſes, and paſtimes uſed by any perſon or perſons within their owne Pariſhes.

No unlawfull paſtimes to be uſed by any perſon within his owne Pariſh.

That every offender in any the premiſſes, ſhall forfeit for every offence 3.s.4.d. to be imployed and converted to the uſe of the poore of the Pariſh where ſuch offence ſhall be committed.

3.s.4.d. for every offence to the poore.

That if any juſtice of the peace of the County, or the cheife Officer or Officers of any City, Burrough or Town Corporate where ſuch offence ſhall be committed, upon his or their view, or confeſſion of the party, or proofe of any one or more witneſſe by oath, (which the ſaid Juſtice or chiefe Officer or Officers ſhall by vertue of this Act have authority to miniſter) ſhall finde any perſon offending in the premiſſes, the ſaid Juſtice or cheiſe Officer or Officers ſhall give Warrant under his or their hand and Seal to the Conſtables, or Church-wardens of the Pariſh where ſuch offence ſhall be committed, to leavy the ſaid penalty, ſo to be aſſeſſed by way of diſtreſſe, and ſale of the goods of every ſuch offender, rendring to the ſaid offenders

A Juſtice of the County, or chiefe officer of any Corporate Towne, upon view, confeſſion, or proofe of one witneſs upon oath, ſhall give warrant to the Conſtables, or Church-wardens of the Pariſh to levy the ſaid penalty by diſtreſſe.

offenders the overplus of the money raised of the said goods so to be sold.

In default of distress the offender shall be set in the stocks for 3. houres.

And in default of such distresse, that the party offending be set publikely in the stocks by the space of three houres.

If any be sued for executing this Law, he may plead the generall issue.

That if any man be sued or impeached for execution of this law, he shall and may plead the generall Issue, and give the said matter of justification in evidence.

None to bee impeached, unlesse questioned within a moneth after the offence committed.

Provided that no man be impeached, by this Act, except he be called in question within one moneth next after the said offence committed. 3. *Car.* 4.

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3. Car. 1.

A restraint of divers abuses committed on the Lords day.

No Carriar with horse, waggon-man, nor Carman, with Waggons or Carts, Wainemen with Waines, nor Drover with Cattle shall travell on the Lords day, upon 20.s. for every offence.

NO Carriar with any horse or horses, nor Waggon-men with any waggon or waggons, nor Car-men with any Cart or Carts, nor Waine-men with any Waine or Waines, nor Drovers with any Cattle shall by themselves, or any other, travell upon the Lords day, upon paine that every person and persons so offending shall loose and forfeit twenty shillings for every such offence.

If a Butcher kill or sell any Victuall on the Lords day, he shall forfeit 6.s. 8.d. for every offence, to be levyed by distresse.

If any Butcher by himselfe or other for him, by his privity or consent shall kill or sell any victuall on the Lords day, he shall forfeit and loose six shillings eight pence for every offence, to be levied as in the former Act, to the like use, by distresse; being proved upon oath by two witnesses, or confession of the party offending before any such Justice, Maior, or head Officer within their severall limits respectively, wherein such offence shall be committed.

Or

Or the ſaid penalty ſhall be recovered by any that will ſue for the ſame by bill, plaint, or information in any his Majeſties Courts of Record, in any City or Towne Corporate before his Majeſties Juſtices of the peace in their generall Seſſions of the Peace.

Or to bee recovered by any that will ſue by Bill, Plaint, or Information.

All which forfeitures ſhall be imployed to, and for the uſe of the poor of the Pariſhes where the offences be done.

All which forfeitures ſhall be to the poore.

Saving onely that it ſhall be lawfull to, and for any ſuch Juſtice, Maior or head Officer, out of the ſaid forfeitures to reward any ſuch perſon or perſons that ſhall enforme, and proſecute any offender againſt this Act, according to their diſcretions, ſo it exceed not the third part of the forfeiture.

Saving a third part to the Informer that ſhall ſue.

Provided ſuch bill, plaint, or informations ſhall be commenced and ſued in the County, City or Towne Corporate where ſuch offence ſhall be committed, and not elſewhere, wherein no Eſſoigne, Protection or wager of Law ſhall be allowed to the Defendant.

Which ſuit ſhall bee in the County, City, or Towne where the offence ſhall be committed, and not elſewhere.

Provided alwayes that it ſhall be lawfull for any Conſtable or Church-warden, that ſhall have any ſuit or Action brought againſt them for any diſtreſſe by them taken, by force of this Act, to plead the generall Iſſue, and give the ſpeciall matter in Evidence.

If ſuit or action bee brought againſt any Conſtable or Church warde for any diſtreſs taken by the, to plead the generall iſſue.

Provided likewiſe that none ſhall be impeached by this Act unleſſe he be queſtioned within ſix moneths after the offence committed.

None ſhall be impeached, if not queſtioned within ſixe moneths.

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21. Jac. 20.

None ſhall prophanely ſweare or curſe.

THat no perſon or perſons ſhall prophanely ſwear or curſe, and that if any offend herein, either in the hearing of any Juſtice of Peace of the County, or of any Maior, Juſtice of Peace, Bayliffe, or head officer of any City or Towne Corporate

For every prophane oath or curſe, the offender ſhall upon conviction by 2. witneſſes or confeſſion, forfeit 12. d. to the poore.

porate where such offence is or shall be committed, or shall be thereof convicted by the oaths of two witnesses, or by confession of the party before any such Justice or Officer (to which end every Justice of the peace and such head Officer shall have power by this Act to administer the same oath) That then every such offender shall for every time so offending, forfeit and pay to the use of the poor of the Parish where the offence is committed, twelve pence.

The Constable, Churchwardens, and Over-seers for the poore shall by warrant of the Justice of Peace levy the said forfeitures by distress.

And it shall be lawfull for the Constable, Church-wardens and overseers of the poor of that Parish by Warrant from such Justice of peace or head Officer to leavy the same money by distresse and sale of the offenders goods, rendring to the party the overplus.

In defect of distresse, the offender (if above 12. yeares of age) shall bee set in the Stocks 3. houres.

And in defect of such distresse the offender if above twelve years of age shall by warrant of such Justice or head Officer be set in the stocks for three whole houres.

If under 12. yeares, & shall not forthwith pay the said 12 d. hee shall be whipt by the Constable, Parent, or Master.

But if the Offender be under twelve yeares of age, and shall not forthwith pay the said twelve pence, then he or she by Warrant of such Justice or head Officer, shall be whipped by the Constable, or by the Parent or Master in his presence.

If the offender sue any officer for distraining, whipping, or stocking, the defendant may plead the generall issue.

If any such Offender shall sue any Officer or other, for such distraining, sale of goods, whipping or setting in the stocks, the Defendant or Defendants may plead the generall Issue, and give the speciall matter in evidence to the Jury at the tryall.

And have good costs.

And if it be found against the Plantiffe, or that he be Non-suit, the Defendant or Defendants shall be allowed good costs, to be taxed by the Court.

Every offence shall be complained of, & proved within twenty dayes.

Provided, that every offence against this Law shall be complained of and proved as abovesaid, within twenty dayes after the offence committed.

This Act shall bee read in every Church upon the Lords day, twice every yeare.

And it is also enacted, That this Act shall be read in every Parish Church by the Minister thereof upon the Lords day after Evening Prayer, twice every year.

1. Jac. 9.

Severall penalties of Ale-houſe keepers for their ſeverall offences.

IF any In-keeper, Victualler or Ale-houſe keeper do ſuffer any perſon or perſons dwelling in any City, Town Corporate, Market Town, Village, or Hamblet, where any ſuch Inne, Ale-houſe or Tippling-houſe is or ſhall be, to remain and continue drinking or Tippling in the ſaid Inne, Victualling houſe, Tippling houſe or Ale-houſe, other then ſuch as ſhall be invited by any Traveller, and ſhall accompany him onely during his neceſſary abode there; and other then labouring and handy-crafts men in Cities and Townes Corporate and Market Townes upon the uſuall working dayes for one hour at dinner time, to take their diet in an Ale-houſe; and other then labourers and workemen in any City, Towne Corporate, Market Town or Village, ſhall for the time of their continuing in work there, ſojourne, lodge or victuall in any Inne, Ale-houſe or other victualling houſe, other then for urgent and neceſſary occaſions, to be allowed by two Juſtices of the peace, that then every ſuch Inne-keeper, Victualler or Ale-houſe keeper ſhall for every ſuch offence forfeit and looſe ten ſhillings to the uſe of the poor of the Pariſh where ſuch offence ſhall be committed, the ſame offence being viewed and ſeen by any Major, Bayliffe or Juſtice of the peace within their ſeverall limits, or proved by the oath of two witneſſes (to be taken before ſuch Major, Officer, or Juſtice) who by vertue of this Act are authorized to miniſter the ſaid oath to any perſon or perſons that can or will juſtify the ſame, being within the limits of their Commiſſion.

If an Ale-houſe keeper ſuffer a dweller of the Towne or Village where the Inne, or Ale-houſe is, to continue drinking there (but ſuch as ſhal be invited by a Traveller) he ſhall for every offence forfeit x. s. to the poore.

Such offence being ſeen by any Maior, or Juſtice, or proved by oath of 2. witneſſes, to be taken by ſuch Maior or Juſtice.

If

If he ſell leſſe then an Ale-quart of the beſt bear or ale for a peny, and 2. quarts of the ſmall, he ſhall forfeit 20. s. to the poore for every offence, proved as above limited.

If any Inne-keeper, Ale-houſe keeper or Victualler ſhall utter or ſell leſſe then one full Ale quart of the beſt Beer or Ale for a penny, and of the ſmall, two quarts for one peny, he ſhall forfeit for every ſuch offence proved in maner above limited, twenty ſhillings to the uſe aboveſaid.

The ſaid penalties to be levied by the Conſtables and Ch. Wardens by diſtreſſe

All and every the ſaid penalties to be leavied by the Conſtables or Church-wardens of the Pariſh or Pariſhes where the offence or offences ſhall be committed, by way of diſtreſſe to be taken and detained for the ſaid forfeitures, and for default of ſatisfaction within ſix dayes next enſuing, the ſame then to be preſently appriſed and ſold, and the remainder over and above to be delivered to the party of whom the diſtreſſe was taken.

And for want of diſtreſſe, the offender to be committed to the cõmon gaole, till he pay the penalty.

And for want of ſufficient diſtreſſe, the party or parties offending, to be by the Major, head officer, or Iuſtices aforeſaid, committed to the common Gaole, there to remaine untill the penalty or penalties be truly payed.

If the Conſtables or Churchwardens neglect to levy, or to certifie the default of diſtreſſe by twenty dayes, they ſhall forfeit for every default 40. s.

That if the Conſtables or Churchwardens neglect their duty in levying, or do not leavy the ſaid ſeverall penalties, or in default of diſtreſſe or diſtreſſes, from time to time, doe neglect to certifie the ſame default of diſtreſſe by the ſpace of 20. dayes then next inſuing, to the Major, Bailiffe, other head Officer, or Iuſtice of the peace within whoſe Iuridiction the offence is commited, then every perſon & perſons ſo offending, ſhall forfeit for every default 40. s. to the uſe of the poore of the pariſh where ſuch offence ſhalbe committed, to be levyed by way of diſtreſſe of the offenders Goods by warrant from any one or more Iuſtice or Iuſtices of the Peace, Major, Baylife or other head Officer within the limits of their Iuriſdictions reſpectively, under his or their hand & ſeale to be taken and detained for the ſaid forfeitures for the ſpace of ſix dayes then next enſuing; within which time, if paiments be not made, the ſame Goods to be appriſed and ſold, and the Remainder over and above (if any be) to be delivered to the party of whom the diſtreſſe

diſtreſſe was taken. And for want of ſuch ſufficent diſtreſſe, the Conſtable, Churchwarden, or Churchwardens ſo offending, to be by the Major, Baylife or other head Officer, Iuſtice or Iuſtices of the peace committed to the Common Gaole, there to remaine untill the ſaid penalty or penalties be truly payd.

For all which penalties which ſo ſhall be leavied by the ſaid Conſtable or Churchwardens, they ſhall be accomptable to their Succeſſors and other the pariſhioners in ſuch ſort as they uſually be in other Church Reckonings or Accompts.

For all which levies the Conſtables or Churchwardens ſhall be accomptable to their Succeſſours and other the Pariſhoners.

And for all forfeitures to be leavyed by reaſon of any neglect of the Conſtables or Churchwardens, thoſe ſhall be accomptable, who by force of any warrant or precept do levy the ſame, or upon the enlargement of perſons committed do receive the ſame.

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4. Jac. 5.

The Penalty of a Drunkard, and of him that continueth drinking in an Ale-houſe.

THat all and every perſon and perſons which ſhal be drunk, and of the ſame offence of drunkeneſſe ſhall be Lawfully convicted, ſhall for every ſuch Offence forfeit 5.s. to be payd within one week after his, her, or their conviction thereof, to the Churchwardens of that pariſh where the Offence ſhall be committed, who ſhall be accomptable therefore to the uſe of the poore of the ſame Pariſh.

Every one convicted of drunkenneſſe ſhall for every offence forfeit 5.s. to the poore.

And if the ſaid perſon or perſons ſo convicted, ſhall refuſe or neglect to pay the ſaid forfeiture as aforeſaid, then the ſame ſhall from time to time be levyed of the Goods of every ſuch perſon or perſons ſo refuſing or neglecting to pay the ſame by warrant or precept from the ſame Court, Judge, or Iuſtices, before whom the ſame Conviction ſhall be.

And for default of payment, to be levied of the offenders goods.

If not able to pay the said 5. s. to be committed to the stockes for every offence, six houres.

And if the offender or offenders be not able to pay the said 5. s. Then to be committed to the stocks for every offence there to remaine by the space of six houres.

If the Constable neglect the due correction, or levying, (where distresse may be had) he shall forfeit 10. s. to the poor, to be levied by distresse by any other person having warrant from any Justice where the conviction shall be.

That if the Constable or any other inferiour officer of the parish or place where the offence shall be committed, to whom that shall be given in charge by the Precept of any Major, Baylife, other Head-officer or Iustices of the peace within their severall limits, do neglect the due correction of the said offender, or due leavying of the said penalties, where distresse may be had, then every person so offending, shall forfeit 10. s. to the use of the poore of the same parish or place where the offence shall be committed, to be leavied by way of distresse by any other Person or Persons having Warrant from any Major, Baylif or other head officer, Iustices of Peace or Court, where any such conviction shall be; and to be payd to the Churchwardens as before limited, who are also to accompt for the same to the use aforesaid.

3. s. 4. d. for every offence of continuing drinking in an Alehouse of the town or village where the party (so drinking) doth dwell.

If any shall continue drinking or tipling in any Inne, Victualling house or Ale-house, being in the same City, Town, Village, or Hamblet wherein the said person or persons (so remaining drinking or tipling) doth inhabit at the time of such drinking, and tipling. And the same being viewed and seen by any Major, Iustice of the peace, or other head officer, or duly proved, as is limited 1. *Jac.* 9. he shall forfeit for every such Offence 3. s. 4. d. to the poore of the parish, to be leavied by distresse as the foresaid 5. s. is to be leavied by this Act: And through disability to pay after such conviction, the offender shall be set in the stockes for every offence, foure houres.

All offences in this Act shall be presented before the Judges of Assise, Justices of Peace, and before the Major, and head Officers of every City or Town corporate.

All the Offences in this Act and in the former 1. *Jac.* 9. shall be diligently inquired of, and presented before the Iustices of Assize in their Circuit, Iustices of the peace in their Quarter or ordinary Sessions, and before the Majors, Baylifs and other head Officers of every City or Towne Corporate who have power to enquire of Trespasses, Riots, Routs, Forces, and such like offences, & in every Court Leet, and thereupon such due proceeding

proceeding shall be against the offender, and offenders for their due conviction in that behalfe, as in such cases upon any Indictment or presentment is used by the Lawes of the Realm, or Customes of the City, Towne or place where such Presentment or Indictment shall be inquired of and found.

That if any offender shall be the second time convicted of drunkennesse, he shall be bound with two sureties in ten pound to our Soveraigne Lord the King, with condition to be of good behaviour.

The offender upon second conviction shall be bound with two sureties to be of good behaviour.

That all Constables, Church-wardens, Headboroughs, Tithing-men, Ale-conners & Sidemen shall in their severall oaths incident to their severall Offices be charged in like sort to present the offences contrary to this statute.

All Constabl. Headboroughs, Tithingmen, Ale-conners & Sidemen shall present the offences against this Statute.

Provided that no person or persons shall be punished, impeached, or molested for any offence in this Statute, unlesse he shall be for the same offence presented, indicted or convicted within six moneths after such offence committed.

No punishment if not questioned within six moneths.

7. Jac. 10.

The penalty for an offence committed against any of the Branches of the Statutes of 1. Jac. 9. *or* 4. Jac. 5. *touching Alehouse-keepers and drunkards.*

THat if any person being an Ale-house-keeper shall be lawfully convicted for any offence or offences committed against any of the Branches of two former Acts of Parliam. The one intituled, an Act to restraine the inordinate haunting and tippling in Innes, Ale-houses and other Victualling houses, the other intituled, an Act against the odious and loathsome sinne of Drunkennesse.

The Ale-house keeper upon conviction for any offence against the Statutes of 1 *Jac.* 9. or 4. *Jac.* 5. shall for three yeeres next after such conviction be disabled to keep any Ale-house. 21. *Jac.* 7.

That then every person or persons so convicted, shall for the space of three years next ensuing the said Conviction, be utterly disabled to keep any such Ale-house.

21. Jac. 7.

The Statutes 1. Jac. 9. *and* 4. Jac. 5. *made perpetuall: One witnesse shall be sufficient to convince a man of tipling or drunkennesse.*

1. *Jac.* 9. and 4. *Jac.* 5. With the alterations and additions hereafter expressed, made perpetuall.

THat the said Statutes 1. *Jac.* 9. and 4. *Jac.* 5. with the alterations and additions hereafter expressed, shall be put in due execution and continue for ever: And whereas by the said Stat. proof of two witnesses is required, be it enacted, that proof of one witnesse from henceforth shall be allowed and taken for sufficient in that behalfe: And that the voluntary confession (before any such persons as by the said Act are authorized to minister the oath) of any person offending either of the said Statutes, shall suffice to convince the person so offending, after such confession, the oath of the party so offending shall and may be taken, and be a sufficient proofe against any other offending at the same time.

Where by those Statutes proof of 2. witnesses was required, It is enacted, that one witnesse shall be sufficient.

That after the confessiō of one offēder, his oath shal be sufficient proof against any other offending at the same time.

He that stayes tipling in an Inne or Alehouse (whersoever he dwells) shall be within the said Statutes, as if he dwelt within the City or Towne where the Inne or Alehouse is.

And shall incurre the like penalties.

That if any person or persons, whersoever his or their habitation, or abiding be, shall at any time hereafter be found upon view, or his own confession or proofe of one witnesse, to be tippling in any Inne, Ale-house or Victualling-house, such person or persons shall from henceforth be adjudged and construed to be within the said Statutes, as if he or they had inhabited and dwelt in the City, Towne Corporate, Market Town, Village, or Hamblet, where the said Inne, Ale-house, or Victualling house is, or shall be, where he or they shall be so found tippling, and shall incure the like penalty, and the same to be in such sort leavied and disposed, as in the said Act is expressed, concerning such as are there inhabitants, and the voluntary confession of such person or persons so offending before such as

as by the said Statutes are authorized to minister the oath, shall suffice to convince themselves, and after such confession, the oath of such person or persons so confessing shall and may be taken by such as by the said Act have authority to minister an oath, and shall be a sufficient proofe against any other, offending at that time.

That any Justice of Peace in any County, and any Justice of Peace, or other head-Officer in any City or Towne Corporate, within their limits respectively, shall from henceforth have power and authority, upon his owne view, confession of the party, or proofe of one witnesse upon oath before him, (which hee by vertue of this Act shall have power to administer) to convince any person of the offence of drunkennesse, whereby such person so convict shall incurre the forfeiture of five shillings for every such offence, & the same to be leavied, or the offender otherwise punished, as in the said Statute is appointed. And for the second offence shall become bound to the good behaviour, as if he had been convicted in open Sessions, any thing in the said former Statute of 4. *Jac.* to the contrary notwithstanding.

That any Justice or Head-officer, upon his view, confession of the party, or proofe of one witnesse upon oath before him, shall have power to convince any person of drunkennesse, whereby such person so convict shall forfeit 5. s. for every such offence to be levied, or the offender otherwise punished, as in the aforesaid Statute is appointed.
And for the 2. offence shall be bound to be of good behaviour.

That if any person being an Ale-house-keeper shall at any time be lawfully convict for any offence against any the branches of either of the said two former Statutes, according to the alterations and additions therein contained, or against the true meaning of this present Statute, that every person so convicted, shall for the space of three years ensuing the said conviction, be utterly disabled to keep any such Ale-house.

If any Ale-house keeper be convict for any offence against the branches of either of the said two former Statutes, or against this Statute, he shal be disabled to keep any Ale-house for three years after.

Whereas in the said Statute of 4. *Jac.* Intituled an Act to represse the odious and loathsome sinne of Drunkennesse. Constables, Church-wardens, Head-borroughs, Tithing-men, Ale-conners and Sidemen, are appointed in the oaths incident to their offices, to be likewise charged to present the offences con-

Constables, Church-wardens, Head burroughs, Tithing-men Ale Conners, and Side-men, are enlarged, and charged to

preſent all offences againſt the ſtatute, 1. *Jac.* 9. and againſt the alterations and additions in this Act.

trary to the ſaid Statute, Be it enacted, that the ſaid Oath ſhall alwayes hereafter be alſo enlarged, and extend to preſent all offences done, contrary to the Statute made 1. *Jac.* Intituled, an Act to reſtraine the inordinate haunting and tippling in Inns and Ale-houſes, and other Victualling-houſes, with the alterations and additions in this Act contained, made in the ſaid fourth year of King *James*, according to the alterations and additions of the ſame, in this Act expreſſed. Stat. 1. *Car.* 4.

1. Car. 4.

Forreiners as well as inhabitants ſhall not be permitted to tipple in Innes, Alehouſes, &c.

Every Alehouſe keeper that ſhall ſuffer any perſon or perſons not dwelling in the city or towne where the Alehouſe is, to tipple in his Alehouſe contrary to the true intent of any the ſaid three Statutes, ſhall incurre the ſame penalty as is appointed 1. *Jac.* 9. for ſuffering ſuch to tipple as dwel in the ſame city or towne.

WHereas by the foreſaid Acts 1. *Iac.* 9. 4. *Iac.* 5. and 21 *Jac.* 7. No puniſhment by any or either of the ſaid Acts, or by any other Statute, is inflicted upon the Innekeeper, Ale-houſe-keeper or victualler that permits or ſuffers ſuch perſon or perſons not there inhabiting, to tipple in his Inne, Ale-houſe or Victualling-houſe: for remedy whereof, be it enacted, That every Inne-keeper, Ale-houſe-keeper, and other Victualler that ſhall permit and ſuffer any perſon or perſons not inhabiting in the City, Towne-corporate, Market-towne, Village or Hamblet, where ſuch Inne, Ale-houſe, or Victualling-houſe is or ſhall be, to tipple in the ſaid Inne, Ale-houſe or Victualling-houſe contrary to the true intent of any or either of the ſaid former ſtatutes, the ſaid Innekeeper, Ale-houſe keeper, and Victualler ſo offending, ſhall incurre the ſame penalty, and in ſuch manner to be proved, leavied, and diſpoſed, as in the ſaid former Statute of the firſt year of King *Iames* is appointed for Permitting ſuch to tipple as dwell in the ſame City, Towne Corporate, Market-Towne, Village or Hamblet.

Taverns and ſuch as ſell wine, and do alſo keep Inns or victualling, ſhall be within the ſaid two former ſtatutes, & this ſtatute

And be it further enacted, that the keepers of Tavernes, and ſuch as doe ſell wine in their houſes, and doe alſo keepe Innes or Victualling in their houſes, ſhall be taken to be within the ſaid two former Statutes, and alſo within this Statute.

3. Car. 3.

The forfeiture and punishment of him that keepes an Alehouse without Licence.

THat if any person or persons shall upon his owne authority, not being thereunto lawfully licenced, take upon him, her, or them to keep a Common Ale-house or Tippling-house, or use commonly selling of Ale, Beer, Cyder or Perry, That then every such person or persons shall for every such offence forfeit and loose twenty shillings to the use of the poor of the Parish where such offence shall be committed; the same offence being viewed and seen by any Maior, Bayliffe, or Justice of Peace, or other head-Officer, within the severall limits, or confessed by the party so offending, or proved by the oath of two witnesses to be taken before any Maior, Bayliffe, or other head Officer, or any one or more Justice or Justices of the Peace; who by vertue of this Act shall be authorized to minister the said Oath to any person or persons that can or will justifie the same, being within the limits of their said Commission. The said penalty to be leavied by the Constables or Church-wardens of the Parish or Parishes where the said offence shall be committed; who shall be accomptable therefore to the use of the Poor of the said Parish, by way of distresse to be taken and detained by Warrant or precept of the said Maior, Bayliffe, Justice, or Justices, or other head Officer by whom the said offence shall be viewed, or before whom the same shall be confessed or proved as aforesaid: And for default of satisfaction, within three dayes next ensuing, the said distresse to be by the said Constables or Church-wardens appriſed and sold, and the overplus to be delivered to the party or parties offending; and this to be onely for the first offence. And if such offender or offenders shal not have sufficient goods and Chattels whereby the said 20. s. may be levied by way of distresse, as aforesaid, or shall not pay the said 20. s. within six

Every one that keeps an Ale house without Licence shall for every offence loose 20. s. to the poor.

Upon Conviction the penalty is to be levied by the Constables or Church-wardens for the poor by way of distresse upon warrant from the Maior or Justice.

Through defect of distresse or not payment of the said 20. shillings with-

in six dayes after conviction the offender to be committed to a Constable, or to be apprehended and openly whipped for the said offence as the Justice shall limit or appoint.

If the Constable neglect to execute his Warrant or punishmẽt on the offender, he shall be committed to the Common-Gaole untill he cause the said punishment to be executed, or pay forty shillings to the use of the Poor for his contempt.

Upon the second offence and conviction of an unlicenced alehouse keeper, he or she shall be committed to the house of correction, till by order of the Justices in their general Sessions he or shee shall bee freed.

six dayes after such conviction as aforesaid; That then the said Maior, Bayliffe, Justice or Justices, or other head-Officer before whom the said offender shall be convicted as aforesaid: shall commit all and every the said offender or offenders to some Constable or Constables, or other inferiour officer or officers of the City, Burrough, Towne, Parish or Hamlet where the offence shall be committed, or the party apprehended, to be openly whipped for the said offence, as the said Justice or Justices shall limit or appoint.

That if the said Constable or inferiour officer shall neglect to execute the said Precept or Warrant, or doe refuse, or doe not execute by himself, or some other to be by him appointed, upon the offender, the punishment limited by this Statute. That in that case it shall and may be lawfull for the said Maior, Bayliffe, Justice or Justices of Peace, or other head-Officer, to commit the Constable or other inferiour officer so refusing or not executing the said punishment by himself or some other, to the Common Gaole of the said County, City, or Towne Corporate, there to remaine without Baile, or mainprize, untill the said offender or offenders shall be by the said Constable or Constables, or other inferiour officer so refusing, or not executing the said punishment, or some by his or their procurement, punished and whipped, as is above limited and declared, or untill he or they so neglecting or refusing shall have paid forty shillings unto the use of the poor of the Parish for their said contempt.

That if the said offender or offenders being unlicenced Alehouse keepers shall offend in any of the premisses the second time, and be thereof lawfully convicted in manner and forme aforesaid, that then the said Maior, Bayliffe, Justice or Justices of the Peace, or other head officer, shall commit him, her or them unto the house of Correction, there to remaine for one moneth, and to be dealt withall as idle, lewd and disorderly persons. And if they againe offend, and be thereof convicted as aforesaid, they shall be committed to the house of Correction as aforesaid, there to remaine till by order of the Justices in their

their generall Sessions for the County, City, Borough, or Franchise, he, she or they shall be delivered from thence.

That during the time of Faires onely any person may sell ale or beere.

Provided, that in such Townes and places where any Faire or Fairs shall be kept, that for the time onely of the same Faire or Faires it shall be lawfull for every person or persons to use common selling of Ale or Beere in Boothes or other places there for the releife of the Kings Subjects that shall repaire to the same in such manner and sort as hath been used in times past. This Act or any thing therein contained to the contrary notwithstanding.

4. Jac. 4.

In what case onely Ale and Beere may be sold to an Ale-house keeper having no Licence.

None shall sell or deliver beere or ale to any person that shall sell it as a common Tippler or Ale-house keeper, not having any Licence then in force to sell Ale, and Beere, upon paine of six shillings eight pence for every Barrell, so sold or delivered.

NO person or persons by himself, or by any other wayes or means, directly or indirectly, shall sell, utter or deliver, or cause to be sold, uttered or delivered any Beere or Ale to any person or persons, or into the house or cellar of any person or persons that then shall sell or utter Beere or Ale as a common Tippler or Ale-house-keeper, the same person not having any Licence then in force to sell Ale or beer, other then for the convenient use and expense of his, her, or their houshold onely, upon paine to forfeit for every barrell sold, uttered, or delivered contrary to the forme and true meaning of this Act, six shillings eight pence, and so after that rate for a greater or lesser quantity.

All offences against this Act shalbe heard and determined in the Sessions of the peace for the County, City or Town where the offence is committed by action of

That all offences to be done or committed contrary to the true meaning of this Act, and all penalties aforesaid shall be inquired of, sued for, heard, and determined in the Sessions of the Peace for the County, City or Burrough, Towne or Liberty, or in the Court of Record of the City, Burrough, Towne or liberty, wherein such offence shall be committed, by action of

debt, information, Indictment or presentment.

debt, Information, Indictment or prefentment, wherein no Essoine, Protection or wager of Law shall be allowed to the Defendant.

The moity of all forfeitures shall be to the poor, and the other halfe to him that will sue for the same.

That the one half of all such forfeitures shalbe to the use of the poor people inhabiting within the City, Burrough, Hundred, Towne or Liberty, where such offence shall be committed from time to time, and the other halfe thereof to him or them that will sue for the same.

The person that shall levy and receive the forfeitures by this Act, shall deliver half thereof to the Church wardens and Overseers for the Poor, to be by them distributed to the Poor.

And to the end that the said one halfe of the said forfeitures above limited to be to the use of the poor people, may be truely imployed and bestowed upon them, according to the true meaning of this Act, Be it further enacted, that the Sheriffe, Bayliffe or other officer or person that shall leavy or receive any summe or summes of money forfeited and recovered according to the true meaning of this Act, shall, and may by vertue of this Act, without further Warrant, deliver the one halfe of the same summe and summes of money by him or them so leavied, or received, to some one or more of the Church-wardens and Over-seers of the Poor of the same Parish where the same offence shall be committed, to be by them and every of them distributed and bestowed amongst the said poor people, according to the true meaning of this Act, who shall likewise have authority by vertue of this Act, to distribute and bestow the same accordingly.

If such person refuse to pay over the said moity, or that the Church-wardens and Overseers doe not within convenient time distribute the same to the poor, every person so offending shall forfeit the double value thereof.

That if any Sheriffe, Bayliffe or other officer or person shall refuse to pay over the moity and one halfe of the said money by him or them leavied or received, or that the said Church-wardens and Over-seers, to whom the said money shall be so paid, shall not from time to time, within convenient time, truly distribute and bestow the same to, and amongst the poor people, according to the true meaning of this Act, that then every person so offending shall forfeit double the value thereof, to be recovered and imployed as aforesaid.

33. Hen. 8. cap. 9.

Artillery ſhall be maintained, and unlawfull games debarred.

THat no manner of perſon or perſons, of what degree, quality, or condition ſoever he or they be, by himſelfe, factor, deputy, ſervant, or other perſon, ſhall for his or their gaine, lucre or living, keep, have, hold, occupy, exerciſe or maintaine any Common-houſe, Alley or place of Bowling, Coyting, Cloiſhcailes, halfe bowle, Tennis, Dicing-table, or Carding, or any other maner of game prohibited by any Statute heretofore made, or any unlawfull new game, hereafter to be invented, found, had or made, upon pain to forfeit and pay for every day, keeping, having, or maintaining, or ſuffering any ſuch game to be had, kept, executed, played, or maintained within any ſuch houſe, garden, alley or other place, contrary to the forme and effect of this Statute, fourty ſhillings.

None ſhall keep a Common houſe, alley or place of Bowling, Tennis, dicing table, carding, &c. Upon paine to forfeit 40. s. for every day.

And alſo every perſon, uſing, haunting any of the ſaid houſes and plaies, and there playing, to forfeit for every time ſo doing, ſix ſhillings eight pence.

Every perſon uſing the ſaid houſes and playes, and there playing, to forfeit for every time 40. s.

And if any perſon hereafter ſue for any Placard, to have common gaming in his houſe, contrary to this Statute, that then it ſhall be contained in the ſame Placard what game ſhall be uſed in the ſame houſe, and what perſons ſhall play thereat, and every Placard granted to the contrary to be void; And alſo that the party obtaining any ſuch Placard, before he put the ſame in execution, ſhall be bound with ſufficient ſureties with him by recognizance in the Chancery in a certain ſumme, to be appointed by the diſcretion of the Lord Chancellour of England,

If any ſue for a Placard, the game ſhall be contained therein that he will uſe in his houſe, and what perſons ſhal play thereat. Everyplacard granted to the contrary to be voyd. That the party beforehe put ſuch Placard in executionſhal be boũd with ſurcties.

in Chancery, not to use the said Placard contrary to the forme thereof.

That every Justice and head officer may enter into all houses and places where such Games shall be suspected to be holden, and aswell the keepers as Players there to arrest and imprison.

Untill the keepers of such house and playes have found sureties to be bound, no longer to keep or use such house or Playes.

And that the persons that are so found, be in like case bound by themselves or with sureties by discretion of the Justices, Maiors or head-Officers, no more to play, haunt or exercise at any the said places or games.

That the Maiors and head Officers shall search weekly or once a moneth where any such houses or playes shall be suspected to be kept.

And if they do not so search, to forfeit for every months neglect fourty shillings.

that he shall not use the said Placard contrary to the forme thereof.

That it shall be lawfull to all and every the Justices of Peace in every Shire, Majors, Sheriffs, Bayliffs, and other head-Officers within every City, Towne and Burrough within this Realme from time to time, as well within liberties, as without, as need and case shall require, to come, enter, and resort into all and every houses, places, and Allies, where such games shall be suspected to be holden, exercised, used or occupied, contrary to the forme of this Statute, and as well the keepers of the same, as also the persons there haunting, resorting, and playing, to take, arrest, and imprison, and them so taken and arrested, to keepe in prison unto such time as the keepers and maintainers of the said Playes or games have found sureties to the Kings use to be bound by recognisance, or otherwise no longer to use, keepe or occupy any such house, play, game, Alley or place, and also that the persons there so found, be in like case bound by themselves, or else with sureties by the discretion of the Justices, Maiors, Sheriffs, Bayliffs, or other head-Officers, no more to play, haunt or exercise from henceforth in, at, or to any of the said places, or at any of the said games.

That the Majors, Sheriffs, Bayliffs, Constables and other head-Officers within every City, Borough or Towne within this Realme, where any such Officer shall fortune to be, as well within the Franchises as without, shall make due search weekly, or at the furthest once every moneth in all places, where any such houses, Alleys, playes, or places shall be suspected to be had, kept and maintained; and if the said Maiors, Sheriffs, Bayliffs, Constables, and other head Officers within their Cities, Burroughs and Townes, aswell within Franchises as without, do not make due search at the furthest once every moneth (if the case so require) according to the tenour of this Act, and doe not execute the same in all things according to the

purport

purport and force of the ſame, that then every ſuch Maior, Sheriffe, Bayliffe, Conſtable or other head Officer to pay and forfeit for every moneth not making ſuch ſearch, nor executing the ſame, fourty ſhillings.

Alſo that no manner of Artificer or Craſts man of any handycraft or occupation, husbandman, Apprentice, labourer, ſervant at husbandry, Journeyman, or ſervant of Artificer, Marriners, Fiſhermen, Watermen, or any Serving man, ſhall play at the Tables, Tennis, Dice, Cards, Bowles, Claſh, Coyting, Loggetting, or any other unlawfull Game out of Chriſtmaſſe, under the paine of twenty ſhillings, to be forfeit for every time, and in Chriſtmas to play at any of the ſaid games in their Maſters houſes, or in their maſters preſence: And alſo that no manner of perſons ſhall at any time play at any Bowle or Bowles in open places out of his garden or orchard, under the paine to forfeit for every time ſo offending ſix ſhillings eight pence; and that all Juſtices of Peace, Maiors, Bayliffs, Sherifs, and all other head Officers, and every of them, finding or knowing any manner of perſon or perſons uſing or exerciſing any unlawfull games contrary to this preſent Statute, ſhall have full power and authority to commit every ſuch offender to ward, there to remain without Baile or Mainpriſe, untill ſuch time that they ſo offending be bounden by obligation to the Kings uſe in ſuch ſumme of money as by the diſcretion of the ſaid Juſtices, Maiors, Baylifs, or other head Officers ſhall be thought reaſonable, that they or any of them ſhall not from henceforth uſe ſuch unlawfull games.

That no Artificer, Crafts man, husband man, apprentice, labourer, Journeyman, Marriners, Fiſhermen Watermen or any ſerving-man ſhall play at Tables, Tennis, Dice, Cards, Bowles, Claſh, Coyting, &c. Out of Chriſtmas, under pain of 40.s. for every time. And in Chriſtmas to play at their Maſters houſes or in their maſters preſence.

None to play at any time at bowles out of his garden or orchard, upon 6. s. 8. d. forfeiture for every time ſo offending.

All Juſtices, Maiors, &c. finding or knowing any ſuch offenders ſhall commit them to ward, till they be bound from uſing ſuch unlawful games.

That all informations, plaints, actions, or ſuits that ſhall be taken or ſued upon any part of this Statute, ſhall be commenced within the yeare after the offence committed and done, or otherwiſe no advantage or ſuit thereof to be taken.

All ſuits upon this Statute ſhall be within the year after the offence.

And where any ſuch forfeiture ſhall happen to be found within the precinct of any Franchiſe, Leet or Law day, then the Lord of the ſame Franchiſe, Leet or Law day, to have the one Moity thereof, and the other Moity thereof to any of the

Where ſuch forfeiture ſhall be in any Franchiſe or Leet, the lord to have one moity thereof, and the other

to him that will ſue for the ſame in any the Kings Courts.

Kings Subjects that will ſue for the ſame in any of the Kings Courts, by action, Information, Bill, or otherwiſe: In which action or ſuit, the Defendant ſhall not be admitted to wage his law, nor any protection nor Eſſoine ſhall be allowed.

And where ſuch forfeiture ſhall be out of any Franchiſe, the moity ſhall be to the King, and the other to him that will ſue.

And where ſuch forfeiture ſhall be found out of the precinct of any Franchiſe, Leet or law day, that the Moity of all ſuch forfeitures ſhall be to the King, and the other Moity thereof to any of the Kings Subjects that will ſue for the ſame by Bill, action, information or otherwiſe, in any of the Kings Courts, in which ſuit or Action the Defendant ſhall not be admitted to wage his Law, nor any protection nor Eſſoine ſhall be allowed.

That all Maiors, Sheriffs, and other head-Officers ſhall once every quarter make Proclamation of this Act in every Market within their Juriſdictions.

And to the intent that every perſon may have knowledge of this Act and avoid the danger and penalties of the ſame, be it enacted, that all Maiors, Baylifs, Sheriſs, and all other head officers ſhall four times in the year (that is to ſay) every quarter once, make open Proclamation of this preſent Act in every Market to be holden within their ſeverall Juriſdictions and authorities.

That the Juſtices of Gaole delivery, Aſſiſes, and Juſtices of peace, doe cauſe the ſame to be proclamed in their Circuit and Seſſions.

And alſo that the Juſtices of Gaole delivery, Aſſiſes, and Juſtices of Peace doe cauſe the ſame to be proclaimed in their ſeverall Circuits and Seſſions before them holden.

Every Maſter may licence his ſervant to play at cards, dice or Tables with their maſter or other gentlemen in his houſe, or preſence.

Provided, that it ſhalbe lawful for every maſter to licence his, or their ſervants to play at Cards, Dice or Tables with their ſaid Maſter, or with any other Gentleman repairing to their ſaid maſter, openly in his, or their houſe, or in his or their preſence, according to his or their diſcretion; and that it ſhall be lawfull to every ſuch ſervant for every time ſo being commanded or licenced by his ſaid maſter as is aforeſaid, to play at Cards, Dice or Tables with his ſaid maſter or other Gentlemen ſo to him repairing, any thing in this Act to the contrary notwithſtanding.

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Provided alſo that it ſhall be lawfull to every Nobleman and other, having mannors, lands, tenements or other yearly profits for terme of life in his owne right, or in his wives right, to the yearly value of an hundred pound or above, to command, appoint or licence by his, or their diſcretion, his, or their ſervants or family of his, or their houſe or houſes, to play within the precinct of his or their houſes, gardens or orchards, at Cards, Dice, Tables, Bowles, or Tennis, as well amongſt themſelves as others repairing to the ſame houſe or houſes; and that they ſo playing by commandement, appointment or licence, as aforeſaid, ſhall not incurre any danger penalty contained in this Act for the ſame: This Act, or any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

Every Nobleman or other, having 100. li. per ann. may licence his ſervants to play within his houſe, garden or orchard at cards, dice, Tables, bowles, or Tennis, as well among themſelves as others repairing to the ſame houſe.

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1. Jac. 22.

The duty of Shoomakers.

NO Cordwainer or Shoomaker ſhall ſhew, to the intent to put to ſale any ſhoes, boots, buskins, Startups, ſlipperrs or pantofles upon the Sunday, upon paine of forfeiture for every pair of ſhooes, bootes, buskins, ſtartups, ſlippers and pantofles made, ſold, ſhewed, or put to ſale, contrary to the true meaning of this Act, three ſhillings four pence, and the juſt and full value of the ſame.

Ext.

FINIS.